

**Chapter 40E-41, F.A.C.
Surface Water Management Basin
& Related Criteria**

Chapter 40E-41 Surface Water Management Basin & Related Criteria

[Note: The text on this page and the next two provides a brief overview of the provisions of Chapter 40E-41, Florida Administrative Code (F.A.C.). The overview text is intended only to provide a basic understanding of the Chapter, and should not be used in place of the duly-adopted language or in a manner which is inconsistent with Chapter 40-41, F.A.C.]

A. Part I of the Rule: Western C-9 Basin

1. Justification

The Western Canal 9 Basin has in the past been subject to periods of extensive flooding during moderate storm events and to severe over-drainage during dry seasons. The area has not been heavily developed to date, but development pressure is increasing and it is likely that any new development will create flooding problems in the eastern basin, as well as aggravate the over-drainage and flooding already existent in the western basin.

In addition to the criteria for surface water management systems already in effect throughout the District, additional restrictions are necessary in the Western Canal 9 Basin because of the unique water management regime in that area as described above. This part of the rule will preserve the existing flood protection in the eastern Canal 9 Basin and will prevent over-drainage of the Western Basin, while giving a degree of flood protection to the western developments.

2. Specifics

- a. The District's Standard General Permit Rule Chapter, 40E-40, is now applicable in the Western Canal 9 Basin.
- b. This part of the rule establishes for design purposes the 10-year, 25-year and 100-year flood frequency elevations as 6.5 feet, 6.8 feet, and 7.3 feet mean sea level, respectively, in the basin.
- c. For diked and pumped systems, the allowable discharge is limited by this part of the rule to three-fourths of an inch per twenty-four hours and no pumping is permitted when Canal 9 stages exceed elevation 6.8 feet mean sea level.
- d. All direct connections to Canal 9 must be installed at a discharge elevation no lower than six inches below average existing ground for the project. However, discharge facilities designed to lower the water table temporarily below these elevations immediately prior to the arrival of a major storm event are allowed by this rule.
- e. This rule restricts the volume encroached by development between average existing ground surface and elevation 7.0 feet mean sea level to 2.0 feet times the total area of the property. The rule restricts diked areas such that the area diked must be less than this encroached volume divided by the difference between average existing ground elevation within the dike and elevation 5.75 feet mean sea level.

B. Part II of the Rule: Kissimmee River Basin

1. Justification

It is anticipated that restoration of the Kissimmee River will be undertaken soon. Therefore, it is necessary to establish rules for projects within the basin which will yield designs similar to those which would have been permitted had the Kissimmee River Canal (C-38) not been constructed. Although there are already criteria for surface water management systems in effect throughout the District, there are enough significant different hydrologic and technical circumstances about the Kissimmee River Basin area to justify setting the specific standards in this separate rule part.

2. Specifics

- a. The District's Standard General Permit Rule Chapter, 40E-40, is now applicable in the Kissimmee River Basin.
- b. Applications for projects which have any part in the floodplain shall include a report on the status of the project as a development of regional impact. The acceptable form of the report shall be either a final approved development order, or a binding letter, issued by the Department of Community Affairs.
- c. Allowable discharge shall be based upon the peak post-development discharge rate not exceeding the pre-development rate during a 10-year, 3-day design storm.
- d. No net encroachment into the floodplain will be permitted.
- e. Projects within the St. Johns River Water Management District which require a permit from this District to drain into the Kissimmee River Basin shall meet the criteria established in this rule.
- f. Except for approved connections to the Kissimmee River, District works or lands may not be used as part of an applicant's project.
- g. No use of District works or lands which might interfere with the Kissimmee River restoration will be permitted.
- h. Any drainage connection to the Kissimmee River must be part of a permitted surface water management system.

C. Part III of the Rule: C-51 Basin

1. Justification

The C-51 Basin experiences more frequent flooding for longer durations than other areas in the District which discharge into the Central and Southern Florida Flood Control Project. This rule part is intended to implement the District policy that it would be contrary to public health, safety and welfare to allow development to occur which decreases flood protection for the Basin, thereby aggravating a known flood hazard or condition.

This part of the rule establishes a regulatory framework to govern projects and systems in the C-51 Basin that directly or indirectly discharge into the C-51 Canal or significantly affect the C-51 Basin. It specifies criteria with which all development in the C-51 Basin must comply to preserve or to ensure minimum water quality and flood protection. The rule part addresses future development only and is not intended to alleviate existing flooding problems.

2. Specifics

- a. The District's Standard General Permit Rule Chapter, 40E-40, is now applicable in the C-51 Basin.
- b. The Basin is divided into parts: the Western C-51 Basin and the Eastern C-51 Basin.
- c. Any project in the C-51 Basin which involves works of the District (District right of way) must comply with the criteria established in this rule.
- d. Allowable discharge shall be based upon the peak post-development discharge rate not exceeding the peak pre-development rate during a 10-year, 3-day design storm. Pre-development discharges must be determined using the equation and coefficients established in this rule.
- e. Finished building floor elevations must be at least as high as the elevations established in this rule.
- f. No net encroachment of floodplain storage is allowed. Floodplain storage for a site is established to be the volume of water stored on the site between the elevation established in this rule for the minimum finished building floor

**Rules of the South Florida Water Management District
SURFACE WATER MANAGEMENT BASIN & RELATED CRITERIA
Chapter 40E-41**

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40E-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management criteria for specified basins which insure that development within named basins incorporate the appropriate water quantity and water quality control measures necessary to protect the integrity of the public investments in the basin and which minimizes adverse impacts to the water resources of the District. Criteria delineated in this chapter are in addition to criteria specified in Chapter 40E-4, F.A.C. The criteria, exemptions and additional requirements specified in this part are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this part. In addition, the rules establish additional criteria for the named basin which insure that the use of the District's works or land is consistent with the policies of the District.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 9-3-81, Formerly 16K-34.01, Amended 4-11-85, 4-20-94.

PART I WESTERN C-9 BASIN**40E-41.020 Scope of Part I**

The rules in this part shall apply to projects within the Western C-9 Basin.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 4-11-85.

40E-41.023 Western Canal 9 Basin Boundary.

The Western Canal 9 Basin is generally depicted in Figure 41-1, and specifically shall include the area within the following boundaries: In Dade and Broward Counties, Florida, as follows:

BEGINNING at the Southeast corner of Section 12, Township 52 South, Range 40 East; Thence, bear Westerly along the Section Lines to the intersection thereof with State Road No. 25; Thence, Northwesterly and Northerly along State Road No. 25 to the intersection thereof with State Road No. 820; Thence, Easterly along State Road No. 820 to the intersection thereof with the East line of Section 14, Township 51 South, Range 40 East; Thence, Southerly along the Section Lines to the Northwest corner of Section 1, Township 52 South, Range 40 East; Thence, Easterly along the Section Line to the Northeast corner of said Section 1; Thence, Southerly along the Section Lines to the Southeast corner of said Section 12 to the POINT OF BEGINNING.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 9-3-81, Formerly 16K-34.02.

40E-41.033 Implementation.

(1) The effective date this part is October 2, 1977.

(2) The rules contained in this Chapter will be applied to all new projects which do not have complete applications, as evidenced by a letter of completeness under Rule 40E-1.603(9)(a), F.A.C. on the effective date of the rule. An application deemed complete prior to the effective date of a rule shall be governed by the rule in effect at the time the application became complete.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 9-3-81, Formerly 16K-34.03, Amended 4-20-94.

40E-41.043 Application of Part.

All projects located within the Western Canal 9 Basin requiring permits pursuant to rule 40E-4.041 shall be constructed, altered, operated maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-4.063, F.A.C. unless specifically exempted in Rules 40E-4.051 or 40E-41.053, F.A.C. The most restrictive criteria will be applicable unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the purpose and intent of this part will be fulfilled using alternate criteria. Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.426 F.S. History--New 9-3-81, Formerly 16K-34.04, Amended 4-20-94.

40E-41.053 Exemptions.

Projects which have received final approval of construction plans, or equivalent approval, from local government prior to the effective date of this part are hereby exempt from the fill encroachment criteria specified in subsection 40E-41.063(4), F.A.C. All other criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-41.063, F.A.C. must be strictly met.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 9-3-81, Formerly 16K-34.05, Amended 4-20-94.

40E-41.063 Conditions for Issuance of Permits in the Western Canal 9 Basin.

(1) For design purposes the 100-year, 25-year and 10-year flood frequency elevations are established as 7.3 feet, 6.8 feet and 6.5 feet mean sea level, respectively.

(2) For systems designed to be pumped from fully diked areas, discharge shall be limited to three-fourths of an inch per twenty-four hours, or the criteria in Rules 40E-4.301 and 40E-40.302, F.A.C. whichever is more restrictive. In addition, no pumping shall be permitted when Canal 9 stages at pump tailwater exceed the 25-year peak elevation of 6.8 feet mean sea level.

(3) All direct connections to Canal 9 shall be designed to prevent lowering of the groundwater table below elevation 2.5 feet mean sea level. All indirect connections to Canal 9 shall be designed to prevent lowering of the groundwater table by installing the discharge facilities at a discharge elevation no lower than six inches below average existing ground elevation for the project. Nothing in this subsection shall be construed to preclude the construction and operation of discharge facilities designed to temporarily lower the groundwater table below these elevations immediately prior to the arrival of a major storm event.

(4) Fill encroachment criteria

(a) The volume encroached by development between average existing ground surface and elevation 7.0 feet mean sea level shall not exceed 2.0 feet times the total area of the property.

(b) For diked areas with on-site retention of runoff, the area diked shall not exceed the encroachment volume specified in paragraph (a) divided by the difference between average existing ground elevation within the dike and elevation 5.75 feet mean sea level. This will require all such projects on land of average elevation less than 3.75 feet mean sea level to preserve some area outside of the dikes with no fill. The preserved area shall be located so as to preserve natural basin flow patterns for lands outside the dikes.

(c) Typical development schemes using these criteria are depicted in Figure 41-2.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 9-3-81, Formerly 16K-34.06, Amended 4-20-94.

40E-41.091 Publications, Rules and Interagency Agreements Incorporated by Reference.
All publications, rules and interagency agreements incorporated by reference are set forth in Rule 40E-4.091, F.A.C.

Specific Authority 120.54(8), 373.044, 373.046, 373.113, 373.171, 373.414, 403.812, F.S. Law Implemented 120.54(8), 373.046, 373.403, 373.413, 373.414, 373.416, 373.429 F.S. History--New 11-15-92, Amended 1-23-94, 4-20-94, 10-3-95.

PART II KISSIMMEE RIVER BASIN

40E-41.120 Scope of Part II.

The rules in this part shall apply to projects within the Kissimmee River Basin.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.413, 373.416, F.S. History--New 5-1-85.

40E-41.121 Definitions.

When used in this Part:

(1) "Pre-project" means the hydrologic conditions which existed prior to the construction of the canal known as C-38.

(2) "Floodplain" means that area depicted on Figure 41-3, Plates 1 through 5. The large scale originals of these plates are located at the main office of the District.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.413, 373.416, F.S. History--New 5-1-85.

40E-41.123 Kissimmee River Basin Boundary.

The Kissimmee River Basin boundary is generally described in Figure 41-4 and shall specifically include the area within the following boundaries:

Begin at the intersection of the Southerly right of way line of U.S. 98 (S.R. 700) and the West line of Section 16, Township 35 South, Range 31 East; Thence, Northerly along said West line of Section 16 and Section 9, Township 35 South, Range 31 East, to the Southwest corner of Section 4, Township 35 South, Range 31 East; Thence, Easterly along the South line of said Section 4 to the Southeast corner of said Section 4; Thence, Northerly along the East line of said Section 4 to the Southeast corner of Section 33, Township 34 South, Range 31 East; Thence, Westerly along the South line of said Section 33 to the Southwest corner of said Section 33; Thence, Northerly along the section lines to the Southeast corner of Section 20, Township 34 South, Range 31 East; Thence, Westerly along the section lines to the Southwest corner of Section 19, Township 34 South, Range 31 East and the range line between Ranges 30 and 31 East; Thence, Northerly along said range line to the Southeast corner of Section 36, Township 32 South, Range 30 East on the Polk-Highlands County line; Thence, Westerly along said Polk-Highlands County line, also being the section line to the Southwest corner of said Section 36; Thence, Northerly along the section lines to the Southeast corner of Section 11, Township 32 South, Range 30 East; Thence, Westerly along the South line of said Section 11 to the Southwest corner of said Section 11; Thence, Northerly along the section lines to the Southeast corner of Section 34, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 34 to the Southwest corner of said Section 34; Thence, Northerly along the section lines to the Southeast corner of Section 16, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 16 to the Southwest corner of the East one-half (E½) of said Section 16; Thence, Northerly along the one-half section lines to the Northwest corner of the West one-half (W½) of Section 4, Township 31 South, Range 30 East, on the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast

corner of the West one-half ($W\frac{1}{2}$) of Section 5, Township 31 South, Range 31 East; Thence, Southerly along the one-half section line of said Section 5 to the Southeast corner of said West one-half ($W\frac{1}{2}$) of Section 5; Thence, Easterly along the section lines to the Southwest corner of Section 4, Township 31 South, Range 32 East; Thence, Northerly along the West line of said Section 4 to the Northwest corner of said Section 4 and the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast corner of Section 6, Township 31 South, Range 33 East; Thence, Southerly along the East line of said Section 6 to the Northwest corner of Section 8, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 8, to the Northeast corner of said Section 8; Thence, Southerly along the section lines to the Northwest corner of Section 28, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 28, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 28 to the Northeast corner of the West one-half ($W\frac{1}{2}$) of said Section 28; Thence, Southerly along the one-half section line to the Northwest corner of the East one-half ($E\frac{1}{2}$) of Section 33, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 33 to the Northeast corner of said Section 33 and the Easterly boundary line of the South Florida Water Management District; Thence, Southerly along the section lines and the said Easterly boundary line of the South Florida Water Management District to the Osceola-Okeechobee County Line and the Southeast corner of Section 33, Township 32 South, Range 33 East; Thence, Easterly continuing along said Easterly boundary line and said County Line to the Northwest corner of Section 3, Township 33 South, Range 34 East; Thence, Southerly along the West line of said Section 3, to the Southwest corner of said Section 3; Thence, Easterly along the South line of said Section 3 to the Southeast corner of said Section 3 and the East boundary of the South Florida Water Management District; Thence, Southerly, continuing along said Easterly boundary line and along the section lines to the Southeast corner of Section 34, Township 34 South, Range 34 East; Thence, Easterly, continuing along said Easterly boundary line and the township line between Townships 34 and 35 South, to the Northeast corner of Section 1, Township 34 South, Range 34 East; Thence, Southerly along the East line of said Section 1 to the Southeast corner of the North one-half ($N\frac{1}{2}$) of said Section 1; Thence, Westerly along the one-half section line to the Southwest corner of the North one-half ($N\frac{1}{2}$) of said Section 1; Thence, Southerly along the West line of said Section 1 to the Northeast corner of Section 11, Township 35 South, Range 34 East; Thence, Westerly along the North line of said Section 11, to the Northeast corner of Section 10, Township 35 South, Range 34 East; Thence, Southerly along the East line of said Section 10 to the Southeast corner of the North one-half ($N\frac{1}{2}$) of said Section 10; Thence, Westerly along the one-half section line to the Southwest corner of said North one-half ($N\frac{1}{2}$) of Section 10; Thence, Southerly along the West line of said Section 10 to the Northeast corner of Section 16, Township 35 South, Range 33 East; Thence, Westerly along the North line of said Section 16 to the Northwest corner of the East one-half ($E\frac{1}{2}$) of said Section 16; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 28, Township 35 South, Range 34 East; Thence, Easterly along the section lines to the Northeast corner of the West one-half ($W\frac{1}{2}$) of Section 34, Township 35 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southeast corner of the West one-half ($W\frac{1}{2}$) of Section 3, Township 36 South, Range 34 East; Thence, Westerly along the section lines to the Northeast corner of the West one-half ($W\frac{1}{2}$) of Section 9, Township 36 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 16, Township 36 South, Range 34 East; Thence, Easterly along the section line to the Northeast corner of Section

21, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northwest corner of Section 34, Township 36 South, Range 34 East; Thence, Easterly along the North line of said Section 34, to the Northeast corner of said Section 34; Thence, Southerly along the East line of said Section 34 to the Northeast corner of Section 3, Township 37 South, Range 34 East; Thence, Westerly to the Northwest corner of the East one-half ($E\frac{1}{2}$) of said Section 3; Thence, Southerly along the one-half section line to the intersection thereof with the Southerly right of way line of the Seaboard Coast Line Rail Road (The Family Line); Thence, Northwesterly along said Southerly right of way line to the intersection thereof with the West line of Section 33, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northeast corner of Section 20, Township 37 South, Range 34 East; Thence, Westerly along the North line of said Section 20 to the Northwest corner of said Section 20; Thence, Southerly along the section lines to the intersection thereof with the Southerly right of way line of South Florida Water Management District's Levee 48 Tieback; Thence, Westerly along said Southerly right of way line and the Southerly right of way line of South Florida Water Management District's Canal 41A to the intersection thereof with the West line of Section 35, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of State Road 70; Thence, Westerly along said Southerly right of way line of State Road 70 to the intersection thereof with the West line of Section 29, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the Southeast corner of Section 7, Township 37 South, Range 33 East; Thence, Westerly along the South line of said Section 7 to the Southwest corner of the East one-half ($E\frac{1}{2}$) of said Section 7; Thence, Northerly along the one-half section line of said Section 7 to the Northwest corner of said East one-half ($E\frac{1}{2}$) of Section 7; Thence, Westerly along the section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 1, Township 37 South, Range 32 East; Thence, Northerly along the one-half section line of said Section 1 to the Northwest corner of the East one-half ($E\frac{1}{2}$) of said Section 1; Thence, Westerly along the North line of said Section 1 to the Northwest corner of said Section 1; Thence, Northerly along the section lines to the Southeast corner of Section 14, Township 36 South, Range 32 East; Thence, Westerly along the section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 17, Township 36 South, Range 32 East; Thence, Northerly along the one-half section lines to the Southeast corner of the Northwest one-quarter ($NW\frac{1}{4}$) of Section 8, Township 36 South, Range 32 East; Thence, Westerly along the South line of said Northwest one-quarter ($NW\frac{1}{4}$) of Section 8 and the South line of the North one-half ($N\frac{1}{2}$) of Section 7, Township 36 South, Range 32 East to the Southwest corner of said North one-half ($N\frac{1}{2}$) of Section 7 and the range line between Ranges 31 and 32 East; Thence, Northerly along said range line to the Northeast corner of Section 1, Township 36 South, Range 31 East and the Township line between Township lines 35 and 36 South; Thence, Westerly along said township line to the Southwest corner of Section 36, Township 35 South, Range 31 East; Thence, Northerly along the West line of said Section 36 to the Southeast corner of Section 26, Township 35 South, Range 31 East; Thence, Westerly to the Southwest corner of said Section 26; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of U.S. 98 (S.R. 700); Thence, Westerly along said Southerly right of way line to the West line of Section 16, Township 35 South, Range 31 East and the POINT OF BEGINNING.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.413, 373.416, F.S. History--New 5-1-85.

40E-41.133 Implementation.

The effective date of this part is May 1, 1985.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.413, 373.416, F.S. History--New 5-1-85.

40E-41.143 Application of Part II.

(1) All projects located within the Kissimmee River Basin requiring permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-41.163, F.A.C. unless specifically exempted by section 373.406, Florida Statutes.

(2) The criteria set forth in Rule 40E-41.163 shall be considered more restrictive than that set forth in Rule 40E-4.301 and 40E-40.302, F.A.C. The most restrictive criteria will be applicable unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this part will be fulfilled by the use of alternate criteria.

(3) All projects located within the Kissimmee River Basin requiring permits pursuant to Rules 40E-6.041 and 40E-6.331 shall comply with the criteria set forth in Rules 40E-6.301 and 40E-41.165.

(4) The criteria set forth in Rule 40E-41.165 shall be considered more restrictive than that set forth in Rule 40E-6.301. The most restrictive criteria will be applicable.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086, 373.413, 373.416 F.S. History--New 5-1-85, Amended 4-20-94.

40E-41.160 Content of Application.

All projects located within the Kissimmee River Basin requiring permits pursuant to Rule 40E-4.041, F.A.C. shall submit the information specified by Rule 40E-4.101 or 40E-40.112, F.A.C. as appropriate, and the following information:

(1) For projects wholly or partially within the floodplain the status of the project as a development of regional impact must be indicated by a final approved development order or a binding letter issued by the Department of Community Affairs.

(2) For projects requiring a permit under Chapter 40E-6, F.A.C., the applicant shall submit all information required under Rule 40E-6.101, F.A.C.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416 F.S. History--New 5-1-85, Amended 4-20-94.

40E-41.163 Conditions for Issuance of Surface Water Management Permits in the Kissimmee River Basin.

(1) Allowable discharge for projects within the Kissimmee River Basin shall be based upon the post-development discharge rate not exceeding the pre-project development discharge rate during a design storm of a 10 year, 3 day duration.

(2) No net encroachment into the floodplain will be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation.

(3) Projects within the St. Johns River Water Management District which require a permit from the South Florida Water Management District to drain into the Kissimmee River Basin shall comply with the criteria set forth in this part.

(4) Other than an approved drainage connection to the Kissimmee River, the district works or land may not be utilized as part of the applicant's project.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416 F.S. History--New 5-1-85.

40E-41.165 Conditions for Issuance of Right of Way Permits in the Kissimmee River Basin.

(1) Use of the district's works or lands which may interfere with the proposed Kissimmee River restoration shall not be allowed.

(2) Any drainage connection to the Kissimmee River must be part of a surface water management system approved under Rule 40E-41.163.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.086, 373.413, F.S. History--New 5-1-85.

PART III C-51 BASIN**40E-41.220 Scope and Policy of Part III.**

The rules in this part shall apply to new construction in the C-51 Basin.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416, F.S. History--New 5-15-87.

40E-41.221 Definitions.

When used in this Part:

(1) "Basin" means the C-51 Basin as legally described in Florida Administrative Code Rule 40E-41.223, (Basin Boundary) and as depicted on Figure 41-5.

(2) "Western C-51 Basin" means that portion of the C-51 Basin west of State Road Seven as depicted on Figure 41-6 and described in Florida Administrative Code Rule 40E-41.223(1), (Western Basin Boundary).

(3) "Eastern C-51 Basin" means that portion of the C-51 Basin east and west of State Road Seven as depicted on Figure 41-7 and described in Florida Administrative Code Rule 40E-41.223(2), (Eastern Basin Boundary).

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416, F.S. History--New 5-15-87.

40E-41.223 C-51 Basin Boundary.

The C-51 Basin is generally depicted in Figures 41-5, 41-6 and 41-7 and specifically includes land described below.

(1) **Western C-51 Basin Boundary**

Begin at the intersection of S.R. 80 (Southern Blvd.) and S.R. 7 (U.S. Highway No. 441) in Section 36, Township 43 South, Range 41 East; thence, westerly along S.R. 80 1000 feet; thence, southerly along a line 1000 feet west of and parallel with S.R. 7 to the north line of Section 1, Township 44 South, Range 41 East; thence, westerly along the north line of Section 1, Township 44 South, Range 41 East to the east line of Section 2, Township 44 South, Range 41 East; thence, southerly along the east line of Sections 2, 11 and 14, Township 44 South, Range 41 East to the southeast (SE) corner of said Section 14; thence, westerly along the south line of Sections 14, 15, 16, 17 and 18, Township 44 South, Range 41 East to the range line between Ranges 40 and 41 East; thence, southerly along said range line to the intersection thereof with South Florida Water Management District's Levee 40; thence, northwesterly and northerly along said Levee 40 and along Levee 8 to the south line of Section 21, Township 43 South, Range 40 East; thence, easterly along the south line of Sections 21 and 22, Township 43 South, Range 40 East to the southeast (SE) corner of said Section 22; thence, northerly along the east line of said Section 22 to the northeast (NE) corner of said Section 22; thence, westerly along the south line of Section 15, Township 43 South, Range 40 East to the southwest (SW) corner

of said Section 15; thence, northerly along the west line of Sections 15 and 10, Township 43 South, Range 40 East to the intersection thereof with the "M" Canal of the City of West Palm Beach; thence, northerly, northeasterly and easterly along said "M" Canal to the range line between Ranges 41 and 42 East; thence, southerly along said range line to the southwest (SW) corner of Section 19, Township 43 South, Range 42 East; thence, southerly along S.R. 7 to the Point of Beginning.

(2) Eastern C-51 Basin Boundary

Begin at the intersection of the Florida East Coast Railway and SR 802 (Lake Worth Road) in Section 21, Township 44 South, Range 43 East; thence, Westerly along SR 802 to SR 7 (U. S. Highway No. 441); thence, North along the East line of Section 25, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 25; thence, Westerly along the North line of said Section 25 to the Southwest (SW) corner of Section 24, Township 44 South, Range 41 East; thence, North along the west line of Sections 24, 13, 12, and 1, Township 44 South, Range 41 East to the Northwest (NW) corner of said Section 1; thence, Easterly along the North line of said Section 1 to a line that is 1,000 feet west of and parallel with the East line of Section 36, Township 43 South, Range 41 East; thence, North along said line to the intersection thereof with Canal 51; thence, Easterly along Canal 51 to SR 7; thence, North along SR 7 to the Southwest (SW) corner of Section 19, Township 43 South, Range 42 East; thence, North along the West line of said Section 19 to the Northwest (NW) corner of said Section 19; thence, Easterly along the North line of said Section 19 and the North line of Section 20, Township 43 South, Range 42 East to the Southwest (SW) corner of Section 16, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 16 to the Northwest (NW) corner of said Section 16; thence, Easterly along the North line of said Section 16 to the Southwest (SW) corner of Section 10, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 10 to the Northwest (NW) corner of said Section 10; thence, Easterly along the North line of said Section 10 to Florida's Turnpike; thence, Southerly along Florida's Turnpike to the North line of Section 23, Township 43 South, Range 42 East; thence, Easterly along the North line of said Section 23 to the Northeast (NE) corner of said Section 23; thence, Southerly along the East line of said Section 23 to SR 704 (Okeechobee Road); thence, Easterly along SR 704 to Palm Beach Lakes Boulevard; thence, Northeasterly along Palm Beach Lakes Boulevard to Interstate 95; thence, Southeasterly along I-95 to Congress Avenue; thence, Northeasterly along Congress Avenue to the North line of Section 20, Township 43 South, Range 43 East; thence, Easterly along the North line of said Section 20 to the Westerly bank of the canal connecting Clear Lake and Lake Mangonia; thence, Northerly, Easterly, Southerly, and Westerly along the shore of Lake Mangonia to the Easterly bank of said canal to the Northerly shore of Clear Lake; thence, Easterly and Southerly along the shore of Clear Lake to the Westerly extension of First Street; thence, Easterly along said extension and along First Street to the Florida East Coast Railway; thence, Southerly along the Florida East Coast Railway to the Point of Beginning.

And Begin at the Northeast (NE) corner of Section 36, Township 44 South, Range 41 East on SR 7; thence Southerly along SR 7 to the Southeast (SE) corner of Section 24, Township 45 South, Range 41 East; thence, Westerly along the South line of said Section 24, and the east one-half of Section 23, Township 45 South, Range 41 East to the intersection thereof with South Florida Water Management District's Levee 40; thence, Northwesterly along said Levee 40 to the Southwest (SW) corner of Section 33, Township 44 South, Range 41 East; thence, Easterly along the South line of said Section 33 and the South line of Section 34; Township 44 South,

Range 41 East to the Southwest (SW) corner of Section 35, Township 44 South, Range 41 East; thence, North along the West line of said Section 35 to the Northwest (NW) corner of said Section 35; thence, Easterly along the North line of said Section 35 and the North line of Section 36, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 36 and the POINT OF BEGINNING.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416, F.S. History--New 5-15-87.

40E-41.233 Implementation.

The effective date of this part is May 15, 1987.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416, F.S. History--New 5-15-87.

40E-41.243 Application of Part III.

(1) All projects located within the C-51 Basin which propose to discharge directly or indirectly into C-51 Canal or which are connected directly or indirectly in the C-51 Basin and which require permits pursuant to Rule 40E-4.041, F.A.C. or this Part shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, or 40E-40.302, F.A.C. (Surface Water Management, Conditions for Issuance of a Permit) and 40E-41.263, F.A.C., (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin) unless specifically exempted by Rule 40E-4.051, F.A.C. (Surface Water Management Exemptions).

(2) The criteria in Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.

(3) All projects located within the C-51 Basin requiring permits pursuant to Florida Administrative Code Rules 40E-6.041, (Works of the District, Permits Required), and 40E-6.331, (Works of the District, Modification of Permits), shall comply with the criteria set forth in Florida Administrative Code Rules 40E-6.301, (Works of the District, Conditions for Issuance of a Permit), and 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin).

(4) The criteria in Florida Administrative Code Rule 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086, 373.413, 373.416 F.S. History--New 5-15-87, Amended 4-20-94.

40E-41.260 Content of Application.

(1) All projects located within the C-51 Basin which require a permit from the District shall submit detailed plans showing the existing topography and proposed finished grading and detailed design calculations which demonstrate the proposed project's effect on net storage from the Basin for events up to and including the 100 year frequency event.

(2) In addition all projects in the C-51 Basin which require permits pursuant to Rule 40E-4.041, F.A.C., (Surface Water Management, Permits Required), shall submit the information specified by Rules 40E-4.101 or 40E-40.112, F.A.C., (Surface Water Management, Content of Application), and all projects located in the C-51 Basin which require a permit pursuant to Florida Administrative Code Rule 40E-6.041 (Works of the District, Permits Required), shall

submit the information required under Rule 40E-6.101, F.A.C., (Works of the District, Content of Application).

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.413, 373.416 F.S. History--New 5-15-87, Amended 4-20-94.

40E-41.263 Conditions for Issuance of Surface Water Management Permits in the C-51 Basin.

The following criteria shall apply:

(1)(a) The allowable discharge shall be based upon the post development discharge rate not exceeding the pre-development discharge rate during a design storm of a 10 year 3 day duration as depicted on Figure 41-8. Pre-development discharge rate shall be calculated by the formula:

$$Q = C_e \times \frac{A}{640}$$

Where Q = allowable flow in cubic feet per second (cfs); A = Project size in acres; C_e = discharge coefficient under existing/present conditions.

(b) This criteria is not intended to limit inflows to the C-51 canal to the rates specified in subsection (a) above during non-flood conditions. Discharge capacity up to 27 cfs during non-flood conditions shall be considered on a case-by-case basis pursuant to the criteria in Rule 40E-4.091(1)(a), Florida Administrative Code, (Basis of Review) and Rule 40E-4.301, Florida Administrative Code, (Conditions for Issuance).

(2) Finished building floor elevations shall be above the most restrictive of the following:

(a) the 1 in 100 year storm elevations as determined by peak flood stage of the C-51 Basin as depicted on the attached Figure 41-9,

(b) the Federal Flood Insurance Rate Map, or

(c) the on-site stage created by a 100-year 3-day storm event assuming no off-site discharge.

(3) No net encroachment into the floodplain shall be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation. Water storage volume shall be computed by utilizing Figure 41-9. For the purposes of this part, the minimum volume of water which must be accommodated on site shall be that quantity equal to the volume stored below the level shown on Figure 41-9 and above the existing grades. Compensation for any reduction in soil storage also shall be accommodated on site.

(4) All criteria in the Basis of Review which is incorporated and adopted by Florida Administrative Code Rule 40E-4.091, (Surface Water Management, Publications Incorporated by Reference).

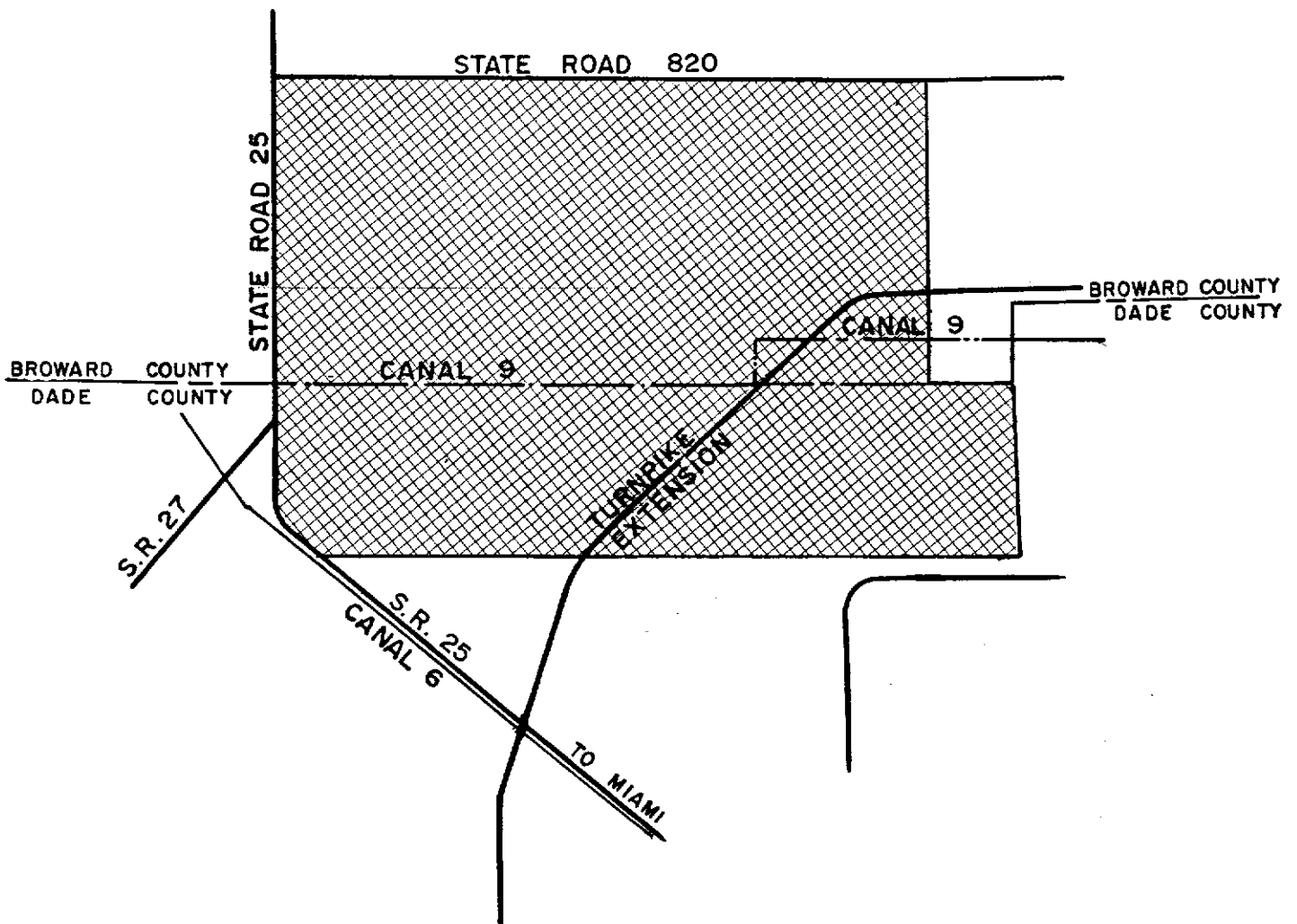
(5) Projects located within the Western C-51 Basin described in Florida Administrative Code Rule 40E-41.223, (Western C-51 Basin Boundary), shall provide one half inch of dry retention/detention pretreatment as part of the required retention/detention.

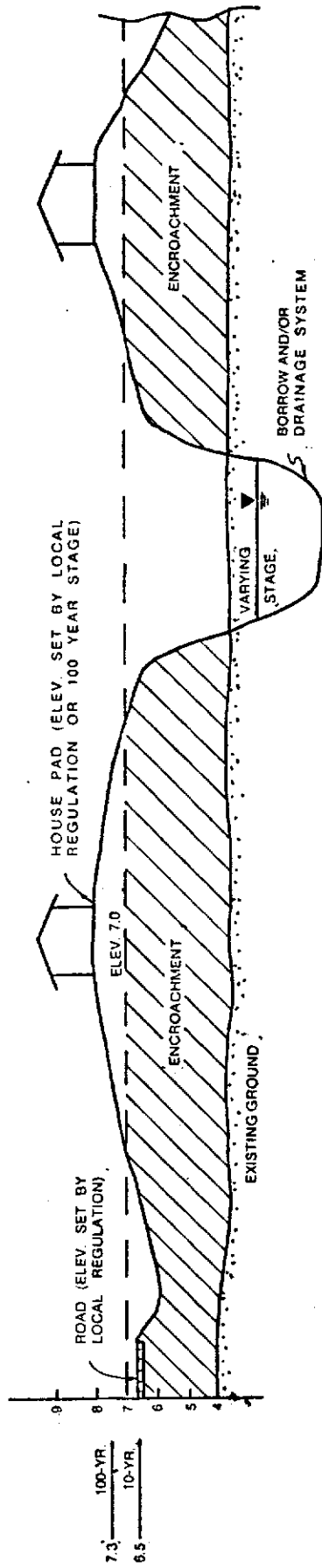
Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.413, 373.416, F.S. History--New 5-15-87.

40E-41.265 Conditions for Issuance of Right of Way Permits in the C-51 Basin

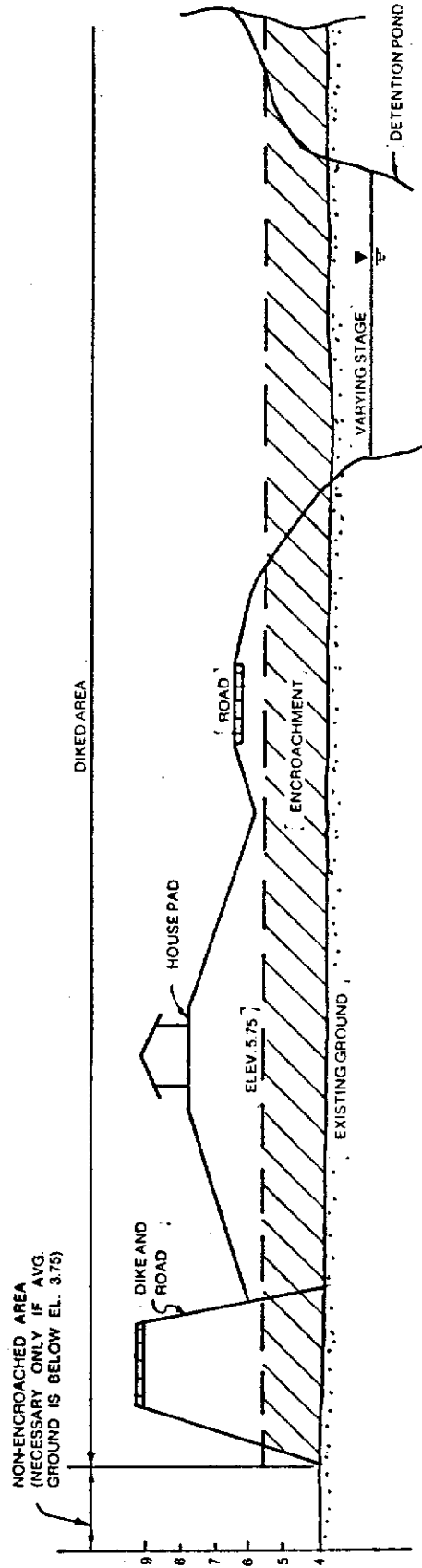
Any drainage connection to C-51 within the C-51 Basin must be part of a surface water management system approved under Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin).

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.086, F.S. History--New 5-15-87.





GRAVITY DRAINAGE SYSTEM



PUMPED RETENTION SYSTEM

Figure 41-2 TYPICAL DEVELOPMENT SCHEMES

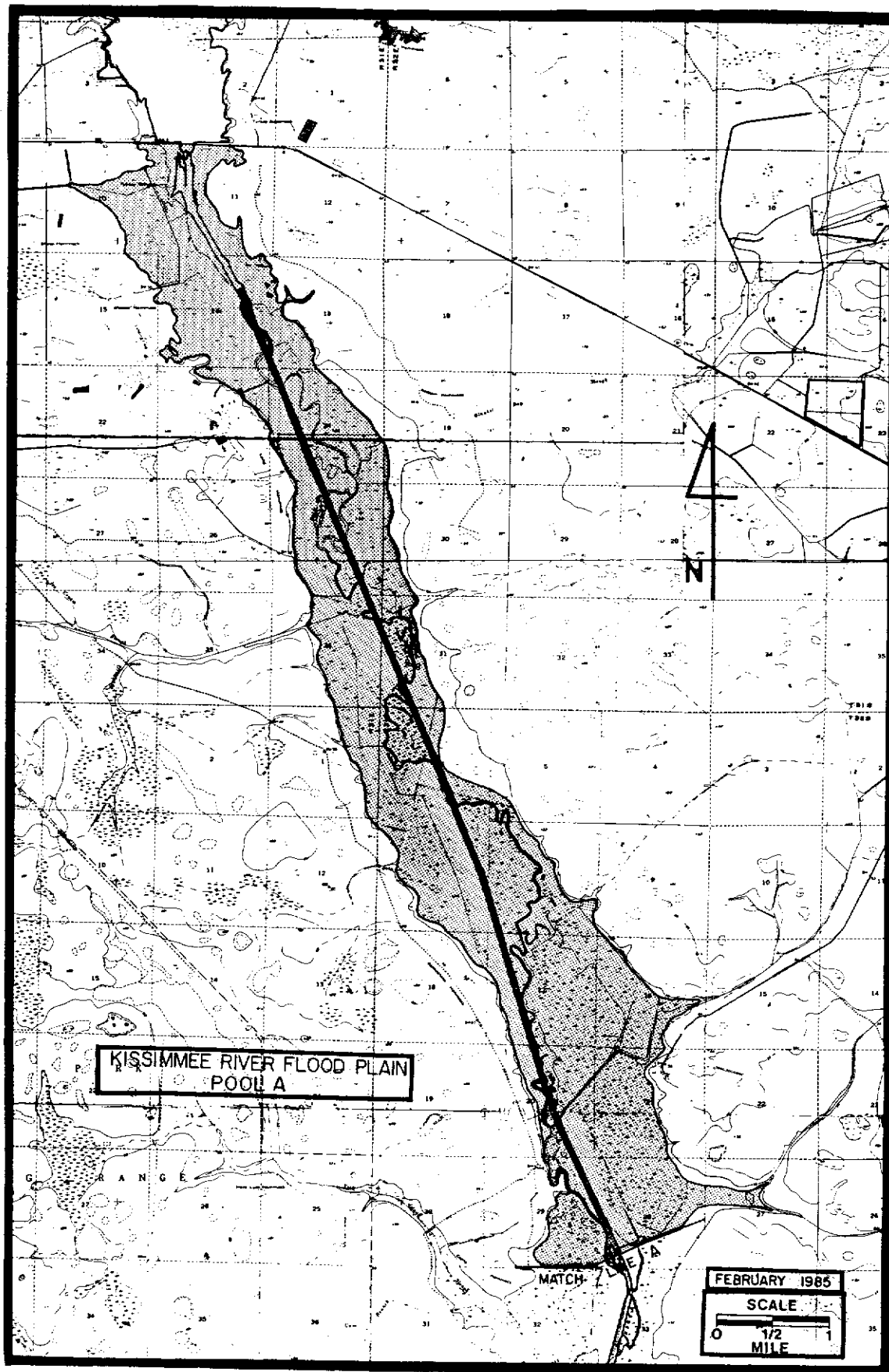


Figure 41-3, Plate 1 of 5

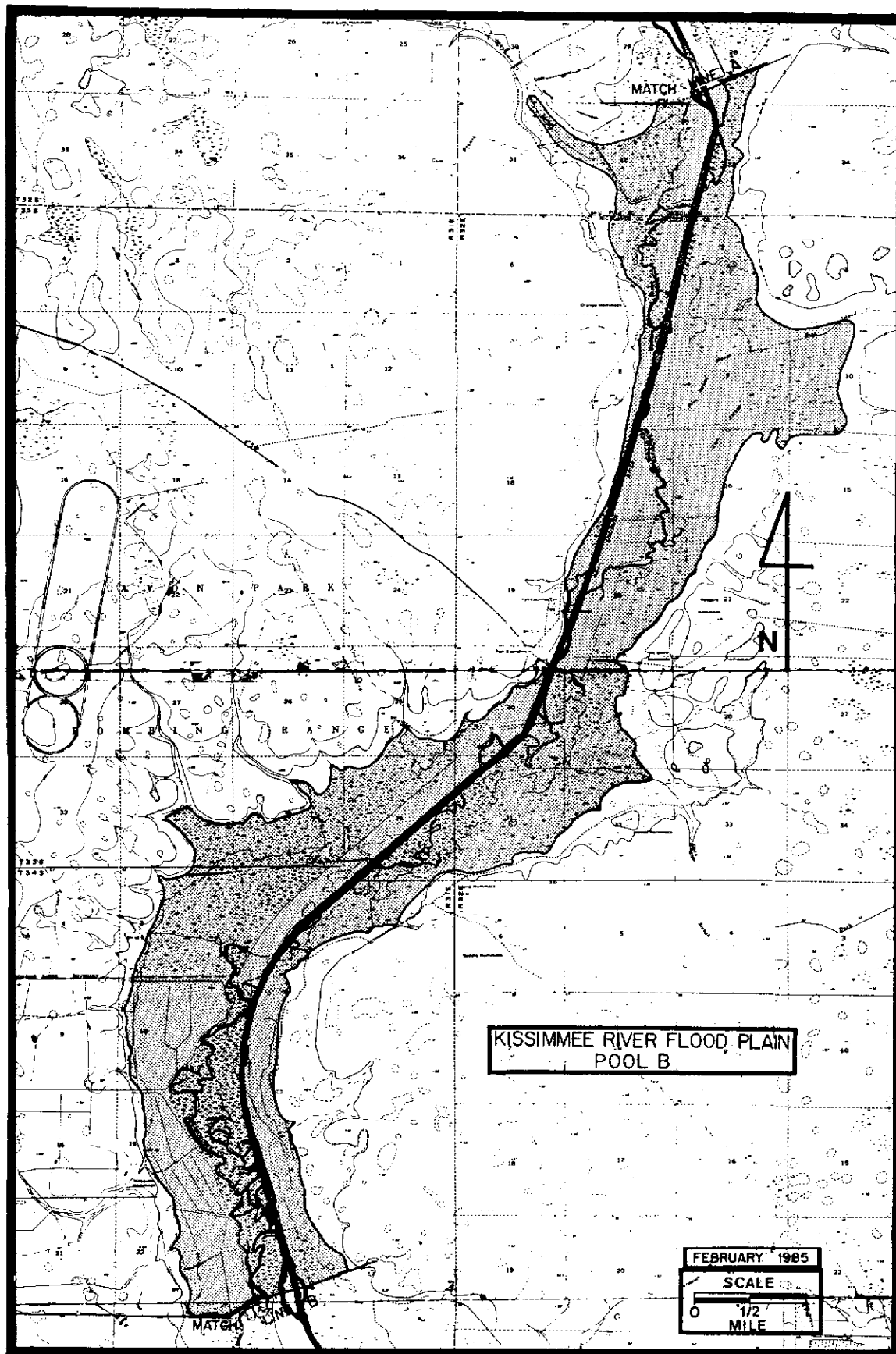


Figure 41-3, Plate 2 of 5

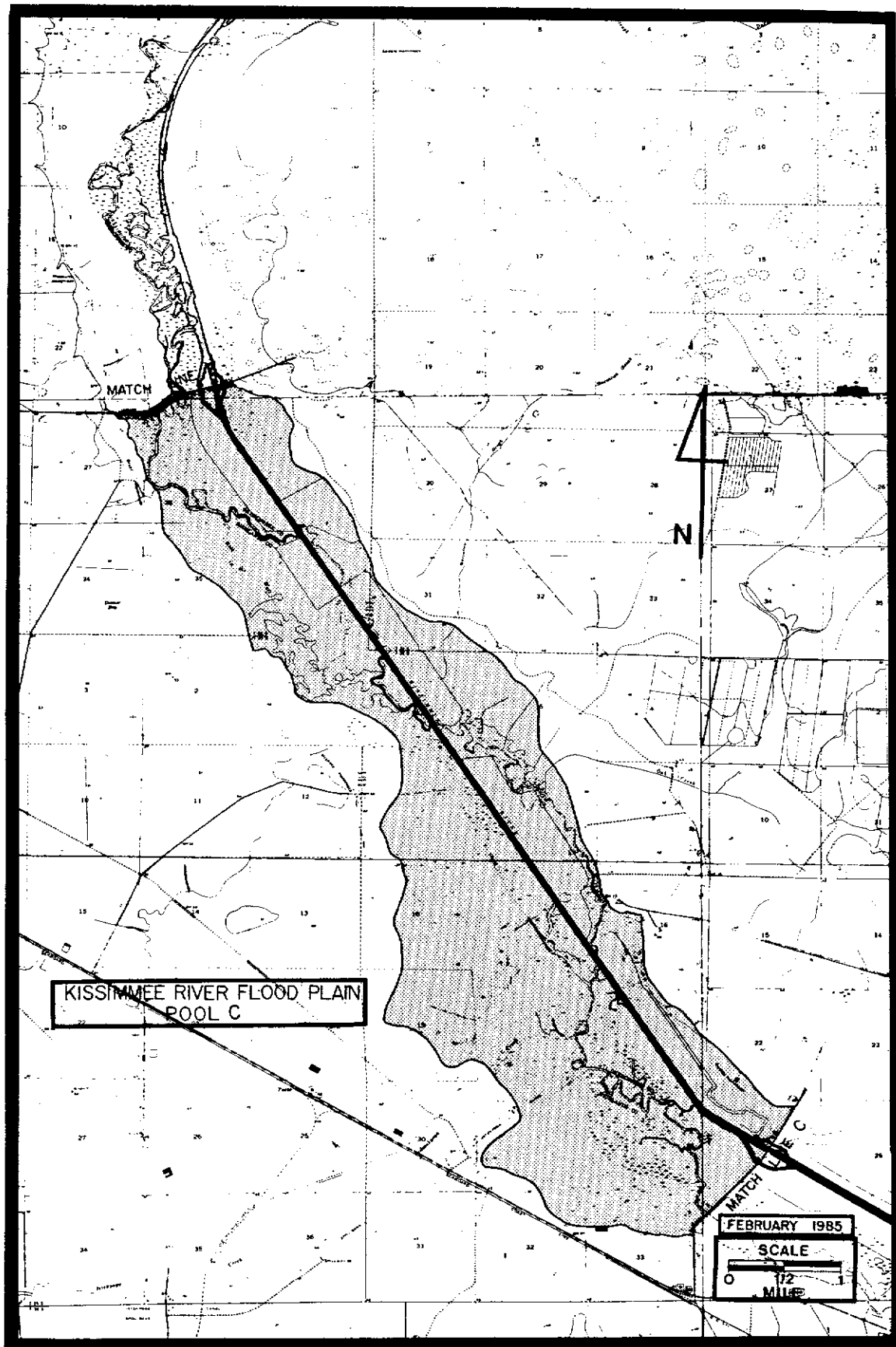


Figure 41-3, Plate 3 of 5

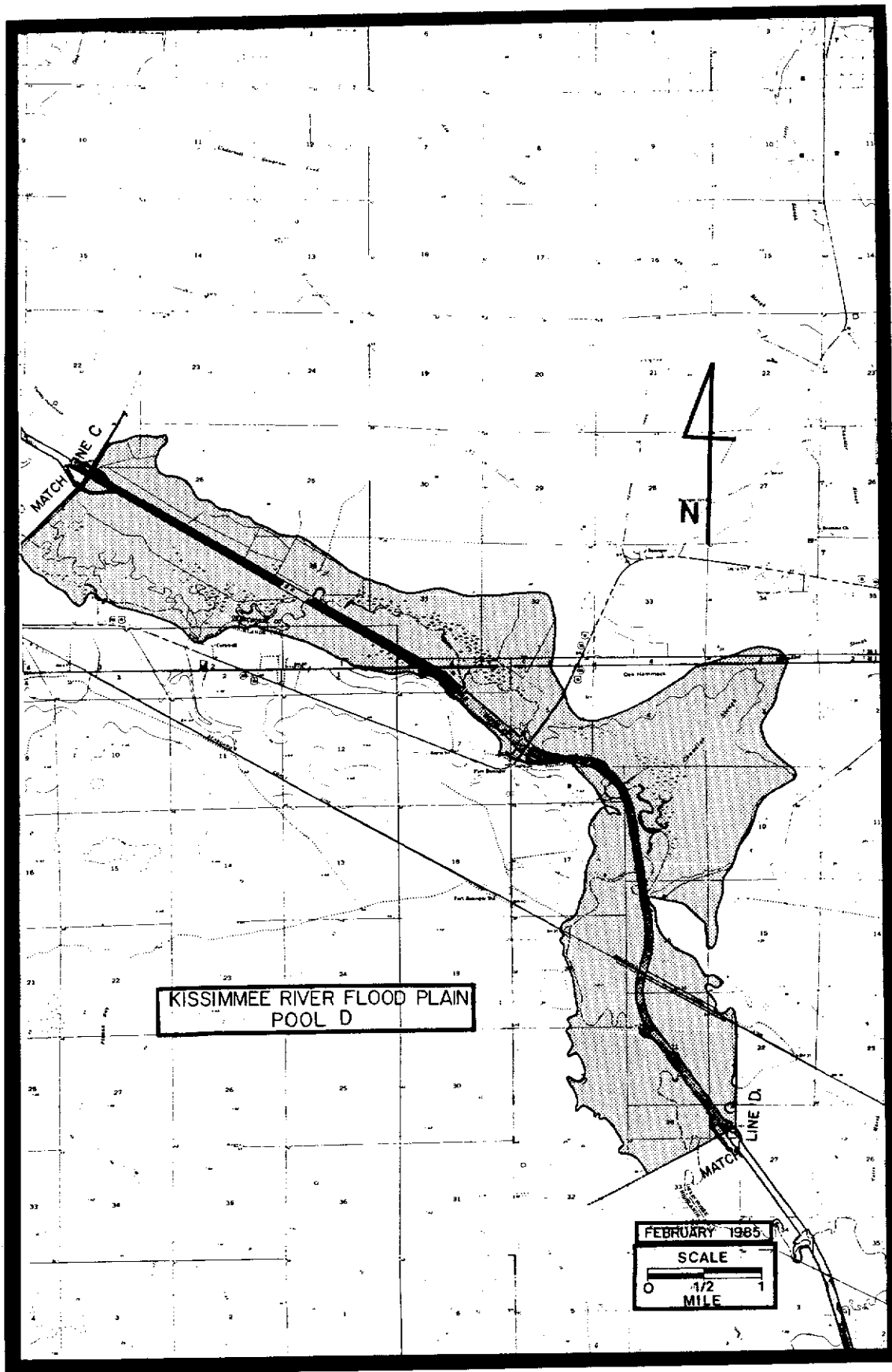


Figure 41-3, Plate 4 of 5

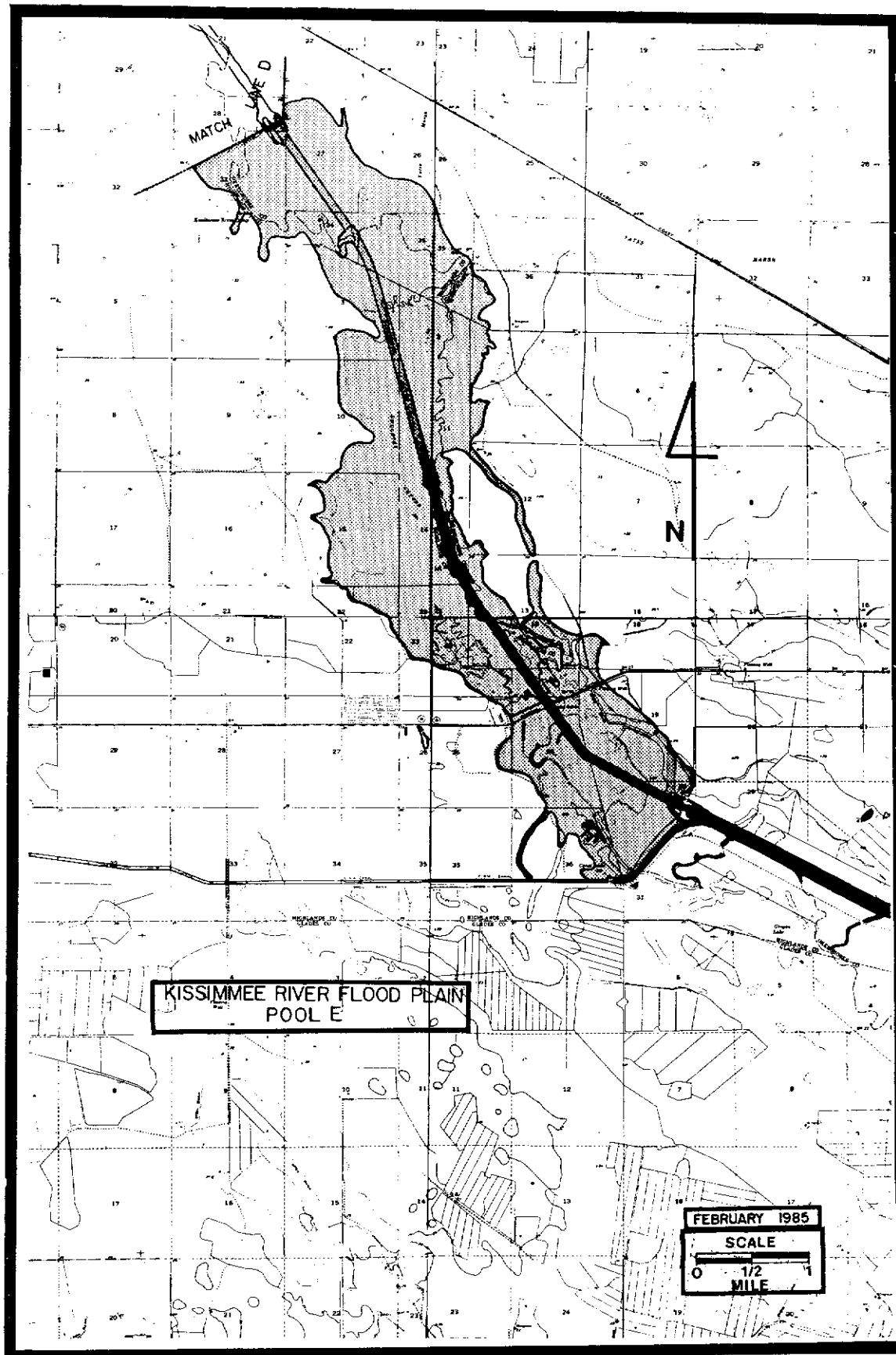
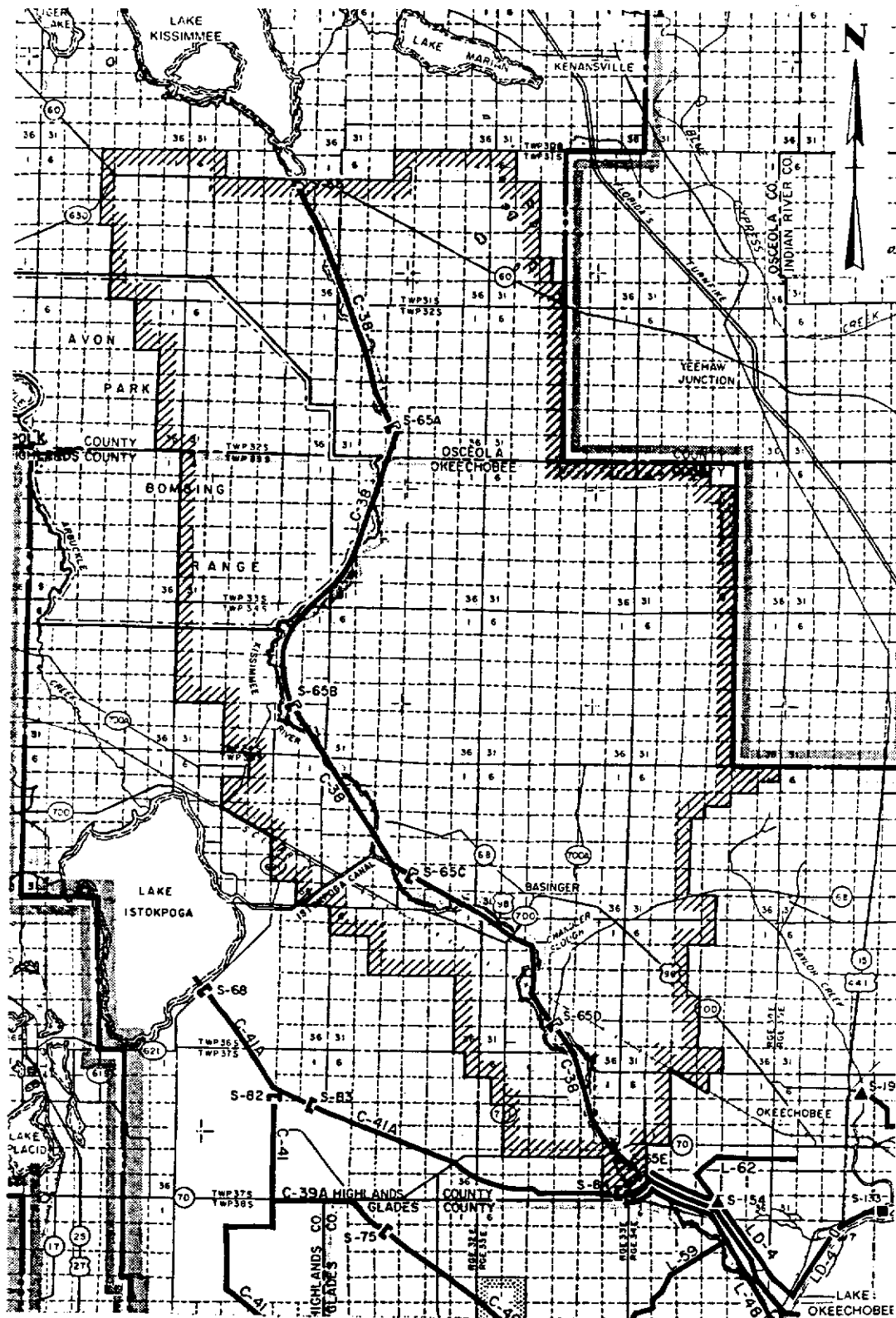


Figure 41-3, Plate 5 of 5



LEGEND

 BOUNDARY OF KISSIMMEE RIVER BASIN

BASE MAP TAKEN FROM SOUTH FLORIDA
WATER MANAGEMENT DISTRICT DRAWING
NUMBER, FO-32

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**
WEST PALM BEACH, FLORIDA

BOUNDARY OF KISSIMMEE RIVER BASIN

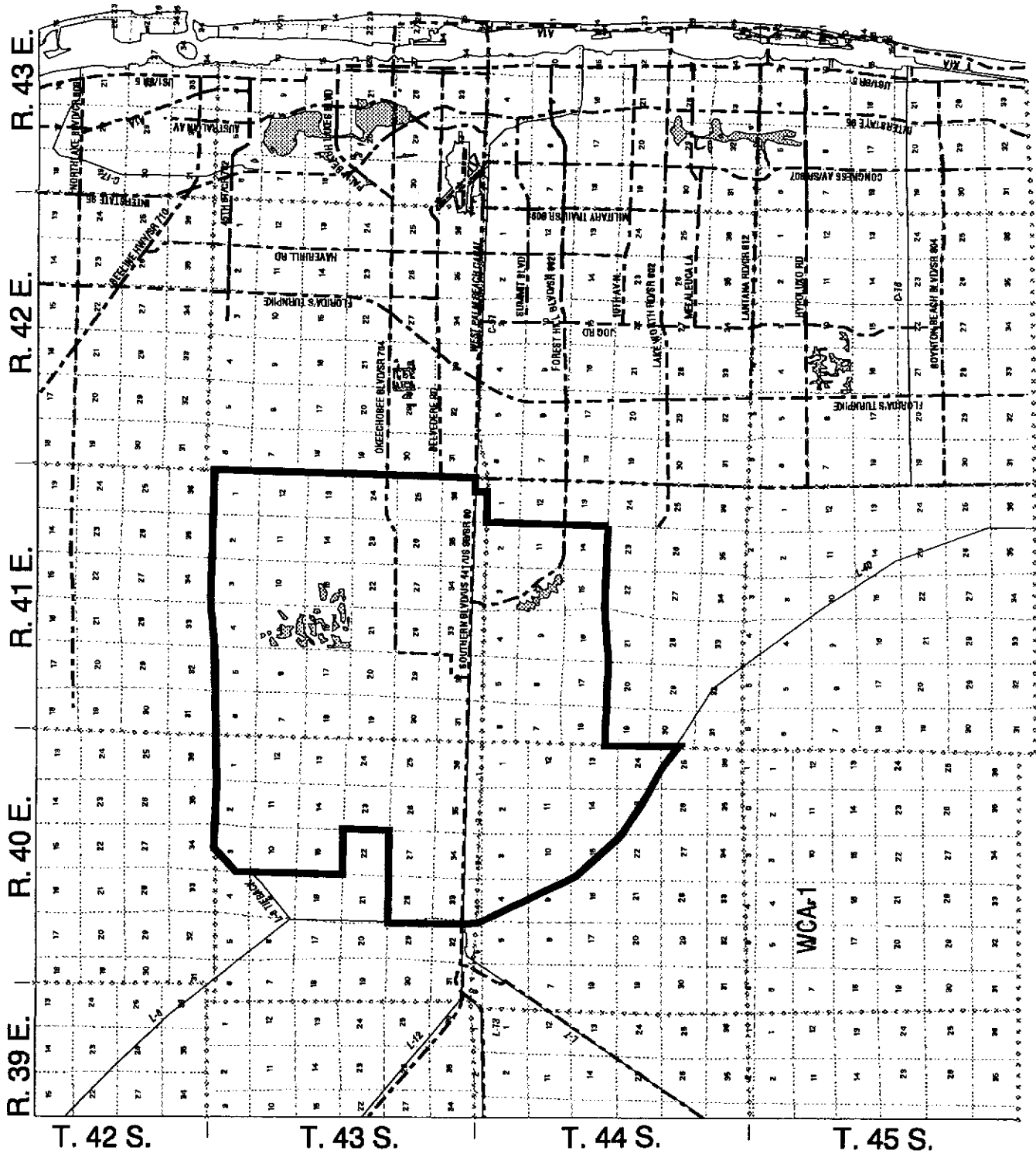
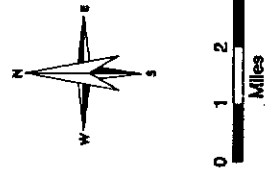
DRN H.J.E.
DATE APRIL 9, 1984
DRAWING NO. C-38-SK-99

CKD C.Z.
SCALE 1" = 2 MILE
SHEET 1 OF 1

Figure 41-4

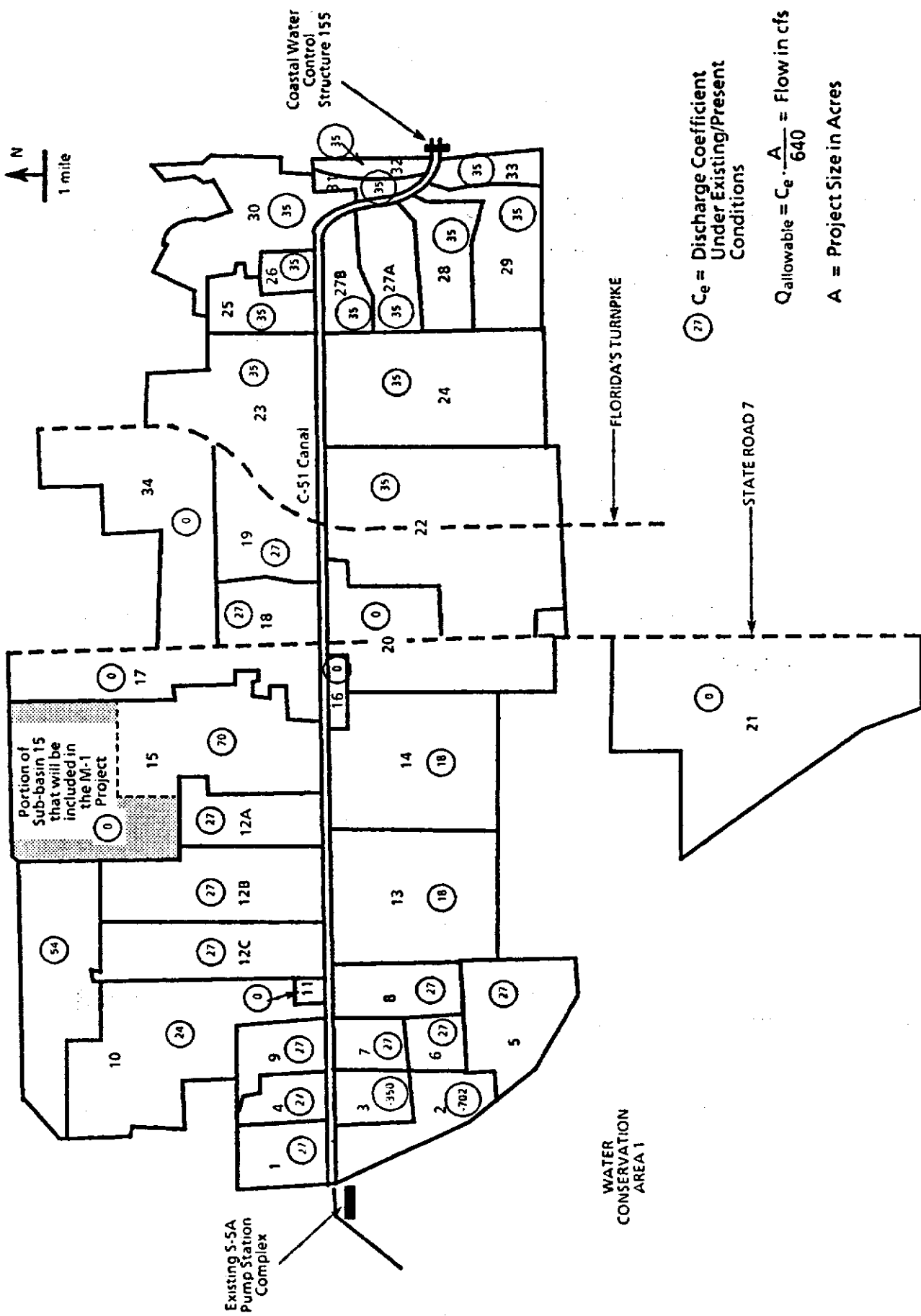


ATLANTIC OCEAN



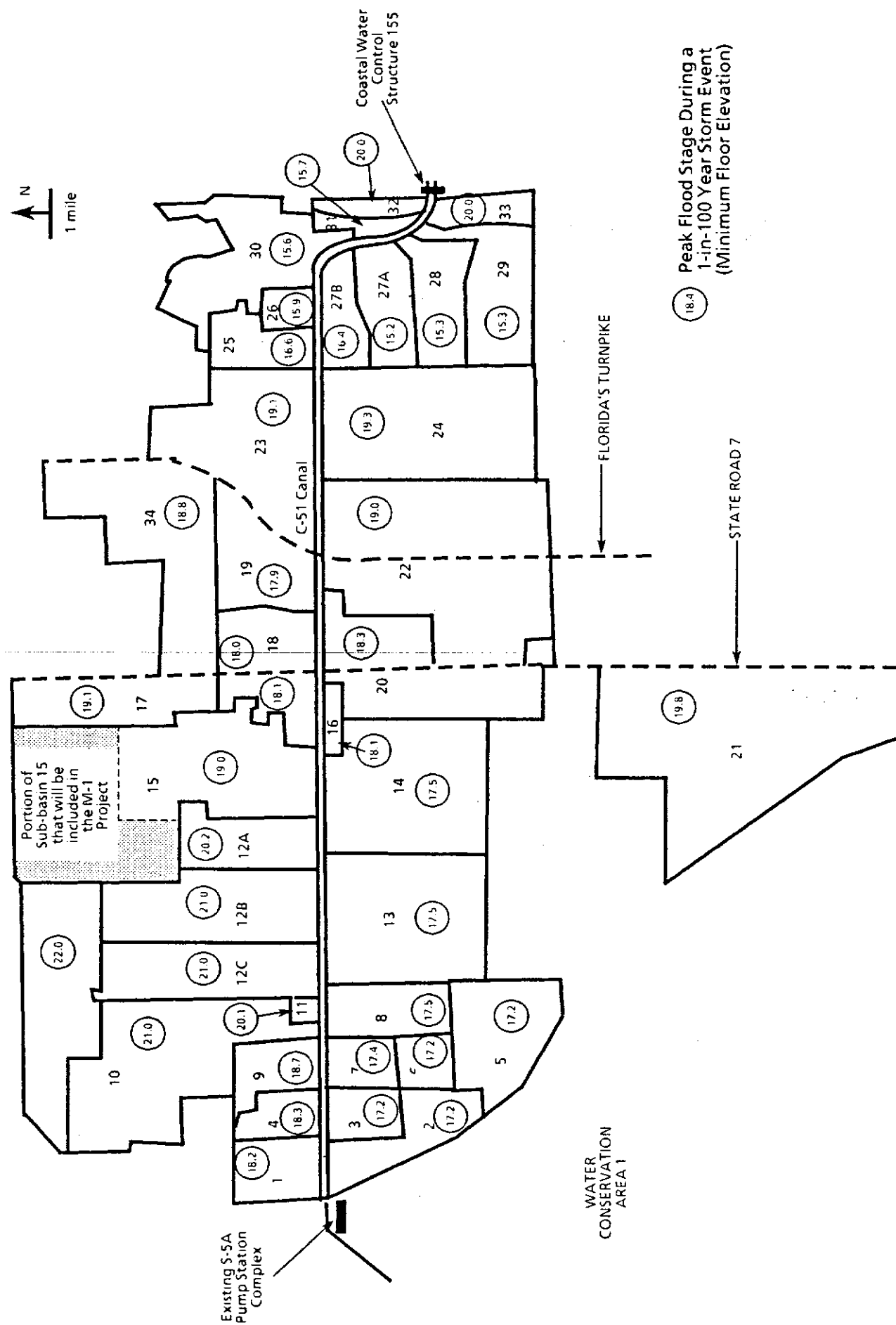
C-51 BASIN
FIGURE 41-6





Discharge Coefficients for the Sub-basins of the C-51 Basin in Palm Beach County, Florida.

Figure 41-8



Peak Flood Stage (Ft. NGVD) During a 1-in-100 Year Storm Event and Minimum Floor Elevation, Prior to Completion of S-319.

Figure 41-9